

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

IL CHON KIM,

Petitioner,

vs.

U.S. DISTRICT LAS VEGAS NEVADA,  
*et al.*,

Respondents.

3:09-cv-0620-ECR-VPC

**ORDER**

Petitioner submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, but he failed to simultaneously submit either a motion for leave to proceed *in forma pauperis* or payment of the \$5.00 filing fee. On October 26, 2009, this Court directed petitioner to, within thirty days, submit an application to proceed *in forma pauperis*, or in the alternative, to pay the filing fee for this action. (Docket #4). Petitioner has did not respond to this Court's order of October 26, 2009. By order filed December 18, 2009, petitioner was granted one final opportunity to comply with this Court's order of October 26, 2009. (Docket #6). Petitioner was advised that this action would be dismissed unless he complied with the Court's order. (Docket #6). The orders of October 26, 2009, and December 18, 2009, were apparently delivered to petitioner; the orders were not

1 returned undelivered. More than the allotted time has elapsed and petitioner has not complied with  
2 the Court's orders. Therefore, petitioner's action shall be dismissed without prejudice.

3 **IT IS THEREFORE ORDERED** that the Clerk shall **FILE** and docket the petition  
4 (received October 19, 2009).

5 **IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT**  
6 **PREJUDICE** for petitioner's failure to obey this Court's orders of October 26, 2009, and December  
7 18, 2009. The Clerk shall **ENTER JUDGMENT** accordingly.

8 DATED this 5th day of April, 2010.

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11 UNITED STATES DISTRICT JUDGE